

Gay and Transgender Issues in the Workplace

Transgender People in the Restroom

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Starting next year, companies that seek a perfect score on the Human Rights Campaign's [Corporate Equality Index](#) will be required to provide health care coverage that includes the cost of sexual reassignment surgery. For many transsexual employees, such a benefit is the most compelling personal issue for them at work. For most non-transgender people, especially for women, the most compelling related issue is the use of the women's restroom by transsexual women and cross-dressing men.

Though I can hear the collected groans of frustration from fellow transgender-friendly folks across the globe, there is no getting around the bathroom issue as it relates to gender identity (transsexuality) and gender expression (cross dressing). In companies where men and women have separate restrooms, the best practice recommendation is that employees use the restroom that is compatible to the gender they are presenting at the time. But without the benefit of diversity training and the opportunity for discussion, many women white knuckle it through the time they spend with a transsexual in their restroom. Not to address this issue directly puts the goal of valuing diversity and being proactively inclusive on a shaky foundation.

To help us think through our strategy on this challenge to cohesiveness, let's look at a possible scenario and address some of the issues.

Scenario

Joanne, Noreen, Anna Marie, and Kerry are all at the counter in the women's room.

Joanne is a white transsexual woman who has worked at the firm for 12 years, the first 10 of which she was known to her colleagues as Joe, a biological male in his forties. Joanne began her transition two years ago.

Noreen is a white woman in her early fifties who worked with "Joe" for 10 years before his transition.

Anna Marie is a Latina woman in her mid-thirties who has been with the firm for five years.

Kerry is in her early twenties and has been with the firm for less than a year.

As Joanne checks her makeup in the mirror, Noreen rolls her eyes at Kerry. Looking over at Joanne, who is a tall, bony person, Kerry covers her grin with her hand and quickly leaves the restroom. Worrying that Joanne may have picked up on the exchange, Anna Marie says, "I love your outfit, Joanne. Is it new?"

Grateful for the compliment, Joanne replies "Yes, and thank you. I'm having a lot of fun picking out clothes. So much of this is new to me. And how are you, Noreen? I haven't seen you in a while."

"I've been around, Joe, I mean Joanne," Noreen says coolly.

"Well, it's good to see you," Joanne replies with a look of disappointment.

Sighing audibly, Noreen raises her eyebrows, and says, "Later."

Anna Marie finishes drying her hands, reaches out and squeezes Joanne's shoulder as she passes her by, and follows Noreen out of the restroom.

"I'm sorry, but I'm just not comfortable with him in there," Noreen says to Anna Marie.

"Joanne is not a 'him', Noreen. She's a woman. Where else would she go but to the women's restroom?"

"Listen, Anna Marie, I worked with Joe for 10 years. I liked him as a man. I still see him as a man in a woman's dress. His operation doesn't make him a woman in my mind. I can't get past the image I have of him as a man. If it was a unisex bathroom, it would be different, but it's not, and the women's restroom is one of the only places I feel completely safe as a woman."

"I understand what you're saying, Noreen, but whether you accept it or not, Joanne is a legal female in the eyes of the state and the company. She has a right to be in that restroom."

"That new girl thought it was funny," Noreen replies. "The younger generation is supposed to be so hip, so how come she had to stifle a laugh?"

"I don't know, Noreen. That's her issue. I hope that Joanne didn't pick up on it. Maybe the young lady was smiling because you rolled your eyes at her. Maybe she thought you and I were funny because she thought we were uncomfortable."

"I don't think so," Noreen replies. "And even if she was, she didn't work with Joe for 10 years. I hate saying this, but sometimes I think the company wants too much from us. It's not as easy as they think to embrace every weird thing that comes along."

"Noreen, this conversation is making me uncomfortable. Joanne is not weird. She's a transsexual and she's a really good worker. Isn't that what's important?"

"Whatever," Noreen says as she walks away waving her hand.

Issues

What is expected of employees in embracing diversity and in being proactively inclusive?

How did Anna Marie handle the situation?

Does Anna Marie have an obligation to check in with Kerry to see what she was feeling?

Should Anna Marie speak to someone in Human Resources about Noreen's behavior and attitudes?

Should Anna Marie check in with Joanne to see if she picked up any tension in the restroom?